

**901D.9 Noncompliance.**

1. An allegation that a participant failed a test, refused to submit to a test, or failed to appear for testing shall be communicated ex parte by the participating jurisdiction, a law enforcement agency of the participating jurisdiction, or the participating jurisdiction's third-party designee to a magistrate as soon as practicable. A magistrate who receives such a communication may order the participant's immediate incarceration pending a hearing on the allegation but lasting no longer than twenty-four hours after the issuance of the order, or if the participant failed to appear for testing as scheduled, the magistrate may issue a warrant for the arrest of the participant for a violation of the terms of bond, pretrial release, sentence, probation, or parole, as applicable.

2. The magistrate may notify the department of transportation of the participant's noncompliance and direct the department to withdraw any temporary restricted license issued to the participant.

[2017 Acts, ch 76, §11](#)

NEW section